

Attorney Code 71123
COUNTY OF COOK)
) SS
STATE OF ILLINOIS)

RO1013
KB

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
LAW DIVISION - COUNTY DEPARTMENT

WALTER JONES,

Plaintiff,

v.

TWIN EXPRESS, INC.,

Defendants.

)
)
) 2009 L 004701
) PLEASE SERVE:
) Manager
) Twin Express, Inc.
) c/o Gary Leiss
) 1938 Mannheim Road
) Westchester, IL 60154
)

AUG10'09 AM11:08

SUMMONS

To each defendant:

YOU ARE SUMMONED and required to file an answer in this case or otherwise file your appearance in the office of the clerk of this court (located in the Richard J. Daley Center, Room 801, Chicago, Illinois 60602), within 30 days after service of this summons, not counting the day of service. IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT, A COPY OF WHICH IS HERETO ATTACHED.

To the officer:

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so indorsed. This summons may not be served later than 30 days after its date.

WITNESS,....., 2009

JUL 13 2009

Attorney No. 71123
Name: ROBERT A. MONTGOMERY
Attorney for Plaintiff
Address: 100 W. Monroe Street, Suite 1900
City: Chicago, Illinois
Telephone: (312) 236-7700
person)

.....
Clerk of Court

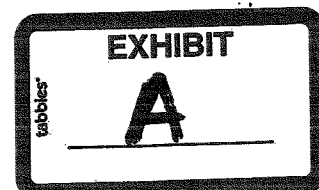
Date of Service....., 2009
(to be inserted by officer on
copy left with defendant or other

DOROTHY BROWN
CLERK OF CIRCUIT COURT



DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY

*Law Division Room 801



Attorney Code 71123
COUNTY OF COOK)
) SS
STATE OF ILLINOIS)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
LAW DIVISION - COUNTY DEPARTMENT

WALTER JONES,)
)
Plaintiff,)
)
v.)
)
TWIN EXPRESS, INC., and JAMES MERRILL,)
)
Defendants.)

FILED-2
2009 APR 21 AM 10:51
CLERK OF COURT
JAMES M. COOK
LAW DIVISION
20090004701
CALENDAR/ROOM D
TIME 00:00
PI Motor Vehicle

COMPLAINT

NOW COMES Plaintiff, by and through attorney, Robert A. Montgomery, and complaining of Defendant states as follows:

1. On or about December 23, 2008, Plaintiff was operating a motor vehicle in a westbound direction on I-74 near 163rd mile marker in the State of Indiana.
2. At the aforesaid time and place, the Defendant, James Merrill, was in the use, possession, operation and control of a certain motor vehicle owned by Twin Express, Inc. and operated in a northbound direction behind the Plaintiff's vehicle, in the City, County and State aforesaid.
3. That on said date, Twin Express, Inc. was a corporation licensed to do business in the State of Illinois and frequently did business in the State of Illinois.
4. That on said date and time, Defendant James Merrill was the agent and employee of Twin Express, Inc.
5. That on said date and time, Defendant James Merrill was driving the aforementioned motor vehicle for the business of Twin Express, Inc.
6. That on said date and time Defendant James Merrill was in the course

and scope of his employment with the Twin Express, Inc.

7. That on said date and time, Twin Express, Inc. controlled and directed the destination, conduct and hours of employment of Defendant James Merrill.

8. That at said time and place and by reason of the use of said motor vehicle; Defendant James Merrill had a duty to exercise reasonable care in the driving of the vehicle for the safety of others lawfully on the public streets.

9. That at said time and place and by reason of his status as employee and agent for Twin Express, Inc., both Defendants, had a duty to exercise reasonable care to maintain its vehicles in a good state of repair, in the selection of its agents authorized to drive motor vehicles, and to maintain proper supervisory control over its agents so as to provide for the safety of others lawfully on or upon public streets.

10. That notwithstanding said duties, Defendants committed one or more of the following careless and negligent acts or omissions:

- a. Drove said vehicle at a speed greater than was reasonable or proper under the circumstances;
- b. Failed to give an appropriate notice, signal, or warning of the approach of the motor vehicle to Plaintiff;
- c. Failed to keep the motor vehicle under control;
- d. Failed to keep a proper lookout for traffic on the roadway;
- e. Failed to properly reduce the speed of the vehicle to avoid a foreseeable and impending accident;
- f. Failed to exercise caution to avoid an impending accident;
- g. Failed to yield the right of way;
- h. Failed to properly supervise and train its agents.

11. That on said date the aforementioned negligence of the Defendants was the proximate cause of an accident wherein the Plaintiff was injured which with the

exercise of proper caution by the Defendants, could have been avoided.

12. By reason of the premises and as a direct and proximate result of the negligent and careless conduct of the Defendants, the Plaintiff was caused to suffer diverse temporary and permanent injuries, by reason of which the Plaintiff has expended and incurred obligations for medical expenses and care and will in the future expend and incur such further obligations; the Plaintiff has been prevented from attending to his usual affairs and duties and has become responsible for the medical bills.

WHEREOF, Plaintiff asks judgment against the Defendants in an amount that is fair and reasonable in the premises, plus costs of this action. Plaintiff further demands trial by jury.



Robert A. Montgomery

Robert A. Montgomery
Attorney at Law
100 West Monroe Street
Suite 1900
Chicago, Illinois 60603
Telephone 312-236-7700
Facsimile 312-346-6549
Attorney Code 9327-98